



April 15, 2021

Re: Inspector General Quarterly Report (1st Qtr. 2021)

Dear Honorable Clerk Iris Martinez and Executive Staff:

This report is written in accordance with the best practices prescribed by the Association of Inspector Generals (AIG) Green Book, to apprise you of the activities of the Office of the Inspector General (OIG) during the period beginning January 1, 2021 through March 31, 2021.

OIG Complaints

The OIG received a total of 27 complaints during this reporting period.¹ Of the 27 complaints, 16 complaints came from internal referral and 11 came from an external source (hotline, mail, web or direct call). Additionally, the OIG had 10 open cases pending at the beginning of Q1, herein referred to as Legacy Cases (LC). The OIG closed nine of the 10 LCs in Q1. Three LCs were closed as administrative closure², with six cases closed through a summary report. Of the 27 new cases opened in Q1, six cases were closed as administrative closure, with four cases closed through a summary report.

OIG Summary Reports

During the first quarter of 2021, the OIG closed 19 total cases with 10 closed as summary reports. The following is a general description of the cases closed via summary report, the OIG's findings, and basis for the findings. Specific identifying information was withheld for confidentiality.

CF 19-08-002. This case was initiated after a complaint was made to Labor Relations (LR) by a Judge. LR asked the OIG to investigate allegations that a court clerk was insubordinate by failing to follow a Judge's order and abandoning her post. In addition, the Judge accused the clerk of intentionally mischaracterizing the Judge's previous order on the record to another Judge. After a thorough investigation the OIG found that the court clerk was not insubordinate and did not abandon her job. The OIG found that the multiple clerks that were working the courtroom did not understand to whom the Judge's initial request to begin the next call was directed. The clerk was confronted by the Judge for failing to start the call then was instructed to get her supervisor. After explaining the situation to her manager, the clerk was directed not to return to the court room. Finally, the Judge, inadvertently, entered an order that needed to be corrected on the next court date. A review of the

¹ Upon receipt of a complaint or inquiry for information, a review process is conducted to determine if the OIG has jurisdiction over the complaint. Case Files are opened on all complaints and after preliminary review, if evidence exists that warrants closure or referral to another agency, an administrative closure memo will be drafted. In cases where a full investigation is conducted, a summary report is generated and forwarded to LR for further disciplinary proceedings where applicable.

² OIG has reopened the previously administrative closed CF-21-02-009 at the request of LR.

court transcript reveals that the clerk did not misstate the Judge's order, and any criticism of the error was made by the Judge that presided over the next court hearing and the assigned Assistant State's Attorney. The record does not indicate that the clerk misstated the Judge's previous order. There is no evidence that there was any intent to discredit the Judge in identifying the error on the next court date. The allegations were all non-sustained.

CF 19-11-004. This case was initiated after a complaint was made to LR. The OIG opened an investigation into harassment by a clerk toward an intern from the office of the [REDACTED]. The intern alleged that the clerk asked her to assist in correcting an error on a Judge's order. The intern attempted to address the issue through several sources. The intern eventually returned to the clerk accompanied by the clerk's supervisor. The clerk stated he was just trying to flirt. The intern accused the clerk of calling her a "trick" later that day. After interviewing the involved parties and witnesses, the OIG found the intern's immediate outcry and outcry witnesses credible. The accused clerk claimed not to remember the incident thus offering no contradiction to the complainant's credible statement. The allegations were sustained.

CF 20-02-001. This case was initiated after a complaint was made to LR regarding the harassment of a clerk's office employee by members of management. The OIG opened an investigation into members of management. At the time the case was closed by the OIG, two of the three accused were no longer employed by the Clerk's Office. The complaint accused the managers of denying her a bathroom key, while providing one to other employees of different races. Additionally, the complainant claimed that she was not properly provided training by management. Finally, the complainant claimed that she was not allowed to sit in a chair at the front counter while other employees were. In sum, the OIG could not substantiate any of the allegations made by the complainant. The evidence indicated that the issues with training and the key were operational shortcomings. Managers were covering clerk positions and therefore not available to train, and as a result asked seasonal employees to help train the new employees. Similarly, the office did not have enough keys to provide each employee their own key. The evidence that the dissemination of the keys was based on race could not be established, therefore the OIG found the allegation inconclusive. Lastly, the complainant's manager stated that the chair, located at the front counter, was not to be used and the manager and complainant spoke about the issue. In sum, the OIG lacked sufficient evidence to meet its burden to sustain allegations of discrimination. The case was closed with non-sustained findings.

CF 20-02-002. This case was initiated after a complaint was made by a Judge. The Judge accused a court clerk, who was not assigned to his court room, of attempting to interfere in a divorce case he was presiding over. The Judge alleged the clerk entered the anti-chamber and asked to speak with him about the case. Additionally, the Judge alleged that the clerk spoke with litigants and the litigant's attorneys and it was reported by one of the attorneys that the clerk made disparaging remarks to one of the litigants. After reviewing reports from LR, the OIG interviewed the accused. The accused admitted to not only entering the court room and attempting to discuss the case, but also admitted to providing one of the litigants the contact information for the attorney they ultimately hired. While the clerk denied making disparaging remarks to a litigant, and denied any significant interference, the OIG found the clerk violated numerous General Rules and Regulations (GRR). The allegations that the clerk solicited business and interfered were sustained.

CF 20-06-003. This case was initiated after a complaint was made to LR. The OIG opened an investigation into workplace violence and theft by an employee. To begin, the complainant is a

former clerk that was promoted to a manager. The promotion spurred a series of back-and-forth complaints between herself and the accused. The numerous allegations were investigated by both OIG and in part by LR. In the instant case, the manager accused the clerk of getting up abruptly from her chair and pushing it into the manager as she passed the clerk's workstation. Additionally, the manager accused the clerk of stealing personal items from her desk. The OIG found no evidence linking the clerk to the theft. The evidence did not meet the burden for the OIG to find the chair's physical contact with the manager was intentional or even reckless to satisfy a violation of the workplace violence policy. Thus, the case was closed as non-sustained in part and inconclusive in part.

CF 20-07-004. This case was initiated after a complaint was made to LR. The OIG opened an investigation into racial discrimination and medical leave discrimination against one manager, and for losing documentation against another manager. The complainant claimed that her work ethic was questioned after she was accused of failing to make timely entries on cases that accumulated while she was on a medical leave. Additionally, she claimed that certain managers were upset that she was asked to produce a handbook for the new case management system, and disparaged her work based on her race. Finally, she claimed that over several years she documented sexual harassment by a coworker. She presented her documentation to a manager, who lost the paperwork. The OIG conducted interviews and reviewed written responses by the managers. The OIG found that the allegations of discrimination inconclusive. The complainant found a copy of a document on a printer where the manager provided feedback on each of their employees. According to the complaint, the manager criticized the complainant's work ethic. She did not agree, citing her medical leave. The accused manager is no longer a clerk's employee, and therefore the OIG did not obtain the memo. Additionally, the complainant failed to cite specific acts of discrimination, therefore the OIG found those allegations inconclusive. In contrast, the other accused manager admitted to discussing the sexual harassment allegations with the complainant, receiving her documents, and losing them. Given the seriousness of the complainant's allegations, and that it is the responsibility of managers to document and report allegations of sexual harassment, the OIG sustained the allegation. The manager violated policy by losing the documentation and not properly reporting the issue.

CF 21-02-006. This investigation was initiated following an external email where the complainant claimed their client's expunged criminal history was divulged by a manager from the [REDACTED] [REDACTED] over the phone. After initiating the investigation, the OIG interviewed the manager. She admitted to inadvertently providing information about the previously expunged case. She claimed that she failed to see a small icon on the defendant's history page in Odyssey that indicates the case was expunged or sealed. She stated that when she realized her error, she refused to provide additional information about the case. The manager recognized and admitted her error and provided context for how the mistake happened. The OIG spoke with the Clerk's [REDACTED] department, who confirmed that given the icon's size it could be overlooked. [REDACTED] provided OIG with a screen capture that shows the icon's size. While the OIG sustained the allegations against the manager, there is significant mitigating evidence that this type of error was inevitable based on the lack of clearly identifiable warnings in the CMS. While only certain employees with clearance can see the expunged and sealed histories, the error will likely occur again if greater warnings are not put in place on the CMS.

CF 21-02-010. This investigation was initiated following a referral from the [REDACTED] regarding the forged signature of a Judge. The complaint alleged that while filling in for another court clerk, the accused clerk forged the signature of a Judge on a mittimus and failed to complete the mittimus for the defendant's other two cases. The OIG obtained the allegedly forged mittimus, a

mittimus with a genuine signature, the Judge's written statement, and interviewed the Judge. The accused clerk's electronic stamp was on the allegedly forged mittimus and a review of Odyssey CMS showed the accused clerk entered the next court date into the case management system. After the Judge confirmed that she had not signed the mittimus and verified that the signature was not hers, the OIG sustained the case. Additionally, the accused clerk only prepared one mittimus of three required for the defendant's cases, failing to make required entries in violation of the GRRs.

CF 21-02-012 and CF 21-02-014. This investigation involves the same employee for essentially the same infraction. On two separate days, the accused printed multiple color prints that were clearly not related to his employment. In the first instance, numerous color prints advertising a swap meet were printed and left on a printer. The case was initiated after an employee reported discovering the printouts to the Chief [REDACTED] who presented them to the OIG. The OIG obtained a printer job log and the user ID from the [REDACTED] department. The second incident was presented to the OIG by an employee from [REDACTED]. The second incident involved color art prints of potentially sexually implicit content. The prints were sent to and left on a printer and found by another employee. Again, the OIG obtained the print job log and identified the username of the employee who sent the prints. In both cases, the OIG sustained allegations that the employee violated GRR 4.1.5 Misappropriation of Clerk property and Code of Ethics Section 1 (c) use of county resources. A violation of the sexual harassment policy was not sustained in the second incident because the content of the print was not explicitly sexual. Moreover, the employee who found the prints was not, subjectively, offended by the content other than it being unrelated to work. A further discussion can be found in the summary report.

OIG Office and Transition Review

On January 4, 2021, James Murphy-Aguilú was appointed the Inspector General. Several conflicts of interest between security functions and investigative functions necessitated OIG restructuring. The OIG was reorganized into two distinct functions. One that focuses exclusively on OIG investigations, and the second is dedicated to internal security operations. The Office of the Inspector General is comprised of the Inspector General, a Deputy Chief and two OIG Investigators. The Chief Investigator of Security (CIS) supervises security operations. The CIS oversees the offices security operations, is responsible for all calls concerning safety, development of policy as they relate to facility and personnel security, evidence transport, protection of Clerk's assets, and serves as a liaison with law enforcement stakeholders. The CIS reports to both the IG and the Executive Clerk of Court Operations Carmen Navarro-Gercone. The security team is comprised of the CIS, two Security Detail Officers and two Security Investigators.

OIG Investigations

The OIG audited the investigative process and assessed staff training and technology needs. The OIG identified a need for standardized investigative practices, including case management, file sharing, interview format, and a need to utilize current technology. To that end, the OIG is developing a standardized investigative handbook and forms to be used for intaking, triaging, developing a case plan, documenting case activity, providing notice to complainants, accused employees, witnesses, and labor representatives.

The OIG now utilizes Microsoft 365 tools to manage cases and share files. In January 2021, the OIG began recording OIG interviews of complainants, witnesses, and accused employees. These recorded interviews ensure accuracy and transparency. The previous practice had investigators attempt to transcribe the word for word answers of the interviewee. The investigators predetermined questions and could not deviate from that list. Video statements ensure the interviewee's statement, not the interviewer's impression of the statement is accurately recorded and made part of the record. This practice creates transparency and allows for greater latitude in the interview process. Overall, the new practice has led to more robust and complete interviews, improved accuracy in OIG reports, and increases procedural justice in the OIG and investigative process.

Office Location

In conjunction with the Office of the Cook County President and Clerk of the Circuit Court Facilities Management, the OIG moved to the 14th floor at 69 West. The space creates a separation between the OIG and other portions of the Clerk's Office. The location offers a secure and private interview room, separation of interview and OIG staff space, and privacy for involved parties. The move will benefit both the OIG and all participants in our investigative process.

Training and Education

The OIG for the Clerk of the Circuit Court of Cook County is structured in compliance with the standards set forth by the AIG. Both the IG and Deputy Chief are members of the national and Illinois chapters of the AIG. Moving forward, the OIG will focus on providing relevant training and continued education in national standards for labor and workplace investigations.

The OIG in collaboration with MIS, Finance and Operations is conducting trainings in internal data systems such as CCT time, Odyssey, Legacy, other systems that aid in our investigations. Furthermore, the OIG is focused on increasing its knowledge base on leave abuse as we see the increase in cases.

Thank you for your time and attention, feel free to reach out with any concerns or questions.

Respectfully,

A handwritten signature in black ink, appearing to read 'James S. Murphy-Aguilú', written in a cursive style.

James S. Murphy-Aguilú
Inspector General

cc: Thomas Nowinski, Chief of Staff
Hon. Judge Gloria Chevere, Senior Policy Advisor
Patrick Hanlon, Executive Clerk of Public Information/External Affairs
Carmen Navarro-Gercone, Executive Clerk of Operations
Maureen O'Donnell, Chief Human Resource Officer
Tiffany Brooks, General Counsel